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CHENCINSKI, SIEGFRIED E	
ART UNIT	**PAPER NUMBER**
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/225,208	TOGAWA ET AL.	
	Examiner	Art Unit	
	Siegfried E. Chencinski	3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 July 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2 and 4-26* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2 and 4-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. Claims 1, 5, 21 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fargher et al.(US Patent No. 5,826,040) in view of Matsuzaki et al. (US Patent No. 5,767,848).

Re. Claims 1, 21 and 24, Fargher discloses a computer method, system and medium performing real-time management of object-oriented system objects as job objects among groups of workers as worker groups in communication with each other via networked computers, said computer system comprising:

- a resource manager managing the job-object conditions, including rights to use resources, worker group by worker group in real-time based upon the worker groups and resources defined in the job definition form (Fargher teaches the management of resources and resource groups, and that resource groups make commitments, implying that one or more workers are members of a resource group, since equipment is incapable of making commitments – Col. 2, ll. 19-41. The managing of resources and resource groups is taught in Col. 2, ll. 19-41, combined with Col. 5, ll. 40-Col. 6, l. 67. Col. 6, ll. 40-42 demonstrates that the total team supports the manager in a real time production scenario.).
- a scheduler establishing the job-object conditions and scheduling each worker group to process the job objects, according to each worker group job procedure and the resources available to each worker group defined in the job definition form (Col. 6, ll. 4-17); and

- a job monitor performing real-time monitoring of job processing by the worker groups based on the procedure of each worker group in the job definition form and performing real-time controlling of sharing of the resources, including the job-objects among the worker groups while maintaining security of the job objects according to the job-object conditions managed by the resource manager group by group and/or member by member thereof, thereby for a first worker group or a member thereof inhibiting access to the job objects thereof from another worker group or a member thereof to which permission to use the job objects of the first worker group or a member thereof is not allocated (The job monitoring function is performed by the scheduler – Col. 6, ll. 16-17).

Fargher's overall real-time production management system is described in Col. 4, lines 19-21; Col. 7, line 1-6; and Col. 5, line 35 - Col. 7, line 62).

Fargher does not explicitly disclose

- a form generator generating job definition forms for worker groups. The remaining section of this limitation language, "each job definition form defining worker groups, job procedures for the worker groups, job object conditions, and resources, said resources including job objects, available to the worker group for processing the objects of the object-oriented system as the job objects according to the job procedures and the job-object conditions" does not have patentable weight because it merely describes intended use.
- managing worker rearranqements amonq the worker qroups and manaqinq the job-object conditions of the rearranqed worker qroups accordinq to a proqress of the jobs from the lob monitor based upon the procedure of each worker .qroup in the lob definition form. The sentence "wherein said monitorinq monitors the job processinq and the lob objects of the worker qroups accordinq to information from said manaqinq of the worker rearranqements" does not have patentable weight because it merely describes intended use.

However, Fargher et al. disclose a system comprising a rearranging unit that manages worker rearrangements among the worker groups and manages the job-object

conditions of the rearranged worker groups according to progress of the jobs from the job monitor, wherein said job monitor monitors the job processing and the job objects of the worker groups according to information from said rearranging unit (Col. 9, line 40 to Col. 10, line 46). Also, Matsuzaki discloses the management process of rearrangements among workers and worker groups according to the progress of a project (Col. 14, ll. 49-53).

It must be pointed out that the use of forms of all kinds, particularly those drawn up by hand, those preprinted and those programmed to be printed by computer printers are an ever present component of life in every facet of business activity, including in the management of projects, computer operations and manufacturing. Further, Matsuzaki teaches the use of forms for managing the work of worker groups (Col. 17, ll. 44-45, 63; Col. 18, l. 9; Col. 19, l. 58; Col. 20, l. 7. Various forms are in use to capture, hold and report information in various displays, some tabular and some graphic.). It would have been obvious to the ordinary practitioner to make wide use of forms in a production management environment, including for the purpose of creating and maintaining job definition forms. Such an environment would obviously benefit from organized, formatted information presentation with which all workers involved in the production process are familiar in order to create and maintain easy to understand, reliable information needed to perform each worker's, supervisor's, planner's, controller's and manager's job.

Matsuzaki also discloses a resource manager managing the job-object conditions worker group by worker group in real-time; a job monitor monitoring, in real-time, job processing by the worker groups based upon the job definition forms and maintaining security of the job objects according to the job-object conditions in real-time, thereby for a first worker group inhibiting access to the job objects thereof from another worker group to which permission to use the job objects of the first worker group is not allocated; as well as a scheduler establishing the job-object conditions and scheduling each worker group to process the job objects according to each worker group procedure defined in the job definition form, in response to the job processing information provided by said job monitor, and using forms in the management of

projects. (Abstract; Col. 5, line 35 - Col. 7, line 65; Forms and Projects - Col. 19, line 67 – Col. 20, line 9).

Fargher and Matsuzaki teach similar methods for managing production projects. Fargher presents examples in semiconductor manufacturing and Matsuzaki presents examples in new product development. Both present computer software driven systems. Each teaches working with resources, directly suggesting or implying that the resources include both workers, software and hardware. Each teaches the concept of resource groups and real time management while emphasizing different facets of the challenges, planning requirements, and controls. While Fargher gives examples in manufacturing where computer systems are used to plan and control production activities, Matsuzaki, while also teaching these facets, suggests a process which seems based on work performed by workers on computer work stations. This aspect more clearly suggests Applicant's specific production application. Fundamentally, production management has most of its elements in common across eh various specific products which need to be produced. Basic information is essential, made up of planning information, organizational information, resources, work rules, human work schedule limitations, human skills, software and equipment failures, information feedback loops, real time information, goals, productivity, cost, output results, and plans and action resources for emergencies and contingencies.

Combining the many specific teachings in Fargher and Matsuzaki would have been obvious to the ordinary practitioner at the time of Applicant's invention because each disclosure has specific teachings which can be easily combined for use in another invention since the component method and system steps can readily be combined in hand or computer system operations. This is not the case in the chemical and physical arts, where characteristics are relatively rigid and combinations are very limited and must first be proven to work together before a logical combination can be chosen to produce a particular effect. Court opinions have made this distinction since the distinction is based on readily observed reality.

Therefore, it would thus have been obvious to an ordinary practitioner of the art at the time of applicant's invention to combine the disclosure of Fargher with that of

Matsuzaki for the purpose designing an efficient worker task management system involving applicant's invention, motivated by the desire to provide a progress monitoring means of monitoring means capable of objectively monitoring the progress of a project (Matsuzaki, Col. 2, ll. 1-3).

Re. **Claim 5,** Fargher discloses a system wherein said job monitor performs at least one of transferring a job object from one of the worker groups to another worker group and automatically changing the job objects of any one of the worker groups according to a procedure (Col. 5, lines 10 - Col. 6, line 67).

2. **Claims 2, 23, 25 and 26** are rejected under 35 U.S.C. 103(a) as being unpatentable over Fargher and Matsuzaki, and further in view of Rapoza (PC Week v12, n19, p74(2)).

The teachings of Fargher and Matsuzaki are discussed above.

Re. Claims 2, 23 and 25, neither Fargher nor Matsuzaki explicitly disclose:

Re. Claim 2, a method wherein said resource manager, job monitor, and scheduler exchange rights to use the job objects among the worker groups;

Re. Claim 23, a method wherein as the job object conditions, each job definition form identifies for each worker group, information indicating the rights to use the job objects, and at least one of a job period, worker group members, processes, the job objects allocated to the job carried out by the worker group, and permission information of the job objects.

Re. Claim 25, a computer readable medium, the program further comprising a function of storing a job definition form defining for each group the jobs, the form indicating rights to use the resources, wherein the job definition form identifies for each job carried out by each group, as information indicating the rights to use the resources, at least one of a job period, group members, the resources allocated to the job to be carried out by the group, and permission information of the resources.

However,

Re. Claim 2, Rapozo discloses a system wherein said resource manager, job monitor, and scheduler exchange rights to use the job objects among the worker groups (p. 1. TEXT: ll. 33-36; l. 24 – p. 2. l. 4; p. 2, ll. 35-40. Rapozo discloses and suggests extensive flexibility on ManagePro 3.0. "We initially created a network directory for shared databases and created a ManagePro database with one password, which gave full access rights to anyone who had access to the network drive. This set-up makes it easy for workgroup members to share information and updates the database in real time". This clearly suggests that resource managers, schedulers and monitors provide for the exchanging of rights to use job objects among worker groups and workers);
Re. Claim 23, Rapoza discloses a system and a method wherein as the job object conditions, a job definition form identifies for each worker group, information indicating the rights to use the job objects, and a job period, worker group members, and processes (TEXT: p. 1. ll. 8 – p. 2. l. 3); and
Re. Claim 25, Rapoza discloses a computer readable medium, the program comprising a function of storing a job definition form defining for each group the jobs, the form indicating rights to use the resources, wherein the job definition form identifies for each job carried out by each group, as information indicating the rights to use the resources, and a job period, worker group members, and processes (TEXT: p. 1. ll. 20-22).

Therefore, re. claims 2, 23 and 25, it would have been obvious to an ordinary practitioner of the art at the time of applicant's invention to combine the disclosures of Fargher and Matsuzaki with those of Rapozo to avoid conflict among the groups and also to maximize the organization's production, motivated by a desire to get things done on time (Rapoza, p. 1, Text, ll. 5-7).

Re. Claim 26, Fargher discloses a computer system performing real-time management of object-oriented system objects as job objects among groups of workers as worker groups in communication with each other via networked computers, said computer system comprising:

- a resource manager managing the job-object conditions, including rights to use resources, worker group by worker group in real-time based upon the worker groups and resources defined in the job definition form;
- a scheduler establishing the job-object conditions and scheduling each worker group to process the job objects, according to each worker group job procedure and the resources available to each worker group defined in the job definition form; and
- a job monitor performing real-time monitoring of job processing by the worker groups based on the procedure of each worker group in the job definition form and performing real-time controlling of sharing of the resources, including the job-objects among the worker groups while maintaining security of the job objects according to the job-object conditions managed by the resource manager group by group and/or member by member thereof, thereby for a first worker group or a member thereof inhibiting access to the job objects thereof from another worker group or a member thereof to which permission to use the job objects of the first worker group or the member thereof is not allocated.

Fargher does not explicitly disclose:

- a form generator generating job definition forms. The remaining section of this limitation language, "each job definition form defining worker groups, job procedures for the worker groups, job object conditions, and resources, said resources including job objects, available to the worker group for processing the objects of the object-oriented system as the job objects according to the job procedures and the job-object conditions" does not have patentable weight because it merely describes intended use.
- wherein as the job-object conditions, each job definition form identifies for each worker group, information indicating rights to use the job objects, and at least one of a job period, worker group members, the job objects allocated to the job to be carried out by the worker group, and the permission information of the job

objects. (This is non-functional descriptive material and intended use material, and thus non-patentable); and

- wherein said resource manager, job monitor, and scheduler exchange rights to use the job objects among the worker groups, based upon the job-object conditions of each worker group defined in the job definition form (This is also non-functional descriptive material and intended use material, and thus non-patentable).
- A rearranger managing worker rearranqements amonq the worker qroups and manaqinq the job-object conditions of the rearranqed worker qroups accordinq to a proqress of the jobs from the lob monitor based upon the procedure of each worker .qroup in the lob definition form. The sentence "wherein said monitorinq monitors the job processinq and the lob objects of the worker qroups accordinq to information from said manaqinq of the worker rearranqements" does not have patentable weight because it merely describes intended use.

Fargher et al. disclose a system comprising a rearranging unit that manages worker rearrangements among the worker groups and manages the job-object conditions of the rearranged worker groups according to progress of the jobs from the job monitor, wherein said job monitor monitors the job processing and the job objects of the worker groups according to information from said rearranging unit (Col. 9, line 40 to Col. 10, line 46). Also, Matsuzaki discloses the management process of rearrangements among workers and worker groups according to the progress of a project (Col. 14, ll. 49-53).

Also, the use of forms of all kinds, particularly those drawn up by hand, those preprinted and those programmed to be printed by computer printers are an ever present component of life in every facet of business activity, including in the management of projects, computer operations and manufacturing. As such, the use of job definition forms defining worker groups that process the job objects according to job-object conditions are implicit to the description of any system managing projects, jobs and/or groups of workers. The use of forms would therefore also have been obvious within the

Fargher disclosure, as well to an ordinary practitioner of the art designing applicant's system as a communications tool in order to efficiently administer applicant's system. Also, Matsuzaki actually discloses a resource manager managing the job-object conditions worker group by worker group in real-time; a job monitor monitoring, in real-time, job processing by the worker groups based upon the job definition forms and maintaining security of the job objects according to the job-object conditions in real-time, thereby for a first worker group inhibiting access to the job objects thereof from another worker group to which permission to use the job objects of the first worker group is not allocated; as well as a scheduler establishing the job-object conditions and scheduling each worker group to process the job objects according to each worker group procedure defined in the job definition form, in response to the job processing information provided by said job monitor, and using forms in the management of projects. (Abstract; Col. 5, line 35 - Col. 7, line 65; Forms and Projects - Col. 19, line 67 – Col. 20, line 9).

Further, Rapoza discloses a system wherein as the job object conditions, a job definition form identifies for each worker group, information indicating the rights to use the job objects, and a job period, worker group members, and processes (TEXT: p. 1. ll. 8 – p. 2. l. 3). Rapozo also discloses a system wherein said resource manager, job monitor, and scheduler exchange rights to use the job objects among the worker groups (p. 1. TEXT: ll. 33-36; l. 24 – p. 2. l. 4; p. 2, ll. 35-40. Rapozo discloses and suggests extensive flexibility on ManagePro 3.0. "We initially created a network directory for shared databases and created a ManagePro database with one password, which gave full access rights to anyone who had access to the network drive. This set-up makes it easy for workgroup members to share information and updates the database in real time". This clearly suggests that resource managers, schedulers and monitors provide for the exchanging of rights to use job objects among worker groups and workers).

Therefore, it would thus have been obvious to an ordinary practitioner of the art at the time of applicant's invention to combine the disclosure of Fargher with that of Matsuzaki and Rapoza for the purpose designing an efficient worker task

management system performing real-time management of object-oriented system objects as job objects among groups of workers as worker groups in communication with each other via networked computers, motivated by a desire to get things done on time (Rapoza, p. 1, Text, ll. 5-7).

3. **Claims 4, 6, 11-15 and 22 are rejected** under 35 U.S.C. 103(a) as being unpatentable over Fargher et al.(US Patent No. 5,826,040) in view of Matsuzaki (US Patent No. 5767848)and further in view of the IBM Disclosure Bulletin (December 1991, US, Vol. 34, Issue Number 7B, Pages 114-117, Extensible Access Control List Mechanism, heretofore IBM).

The teachings of Fargher and Matsuzaki are discussed above.

Re. Claim 4, neither Fargher or Matsuzaki explicitly disclose a system wherein an emergency group is allowed to access every job object of every worker group; and the job monitor accepts any request from the emergency worker group for accessing a job object. However, IBM discloses a system wherein: an emergency group is allowed to access every job object of every worker group; and the job monitor accepts any request from the emergency group for accessing a job object (IBM, Text, page 1, lines 1-9, page 2, lines 6-11, 11-49) because the IBM disclosure makes a provision for full access by any group such as group admin which is anticipated to require access. It would therefore have been obvious to an ordinary practitioner of the art at the time of the invention to include the IBM disclosure's access to all functions of all job objects to emergency workers and emergency groups, and any personnel who are anticipated to require emergency access to make sure that emergencies can be dealt with at any time whenever such is necessary in the combination of Fargher and Matsuzaki with IBM's disclosure for the advantage of the organization, motivated by the desire to provide full user compatibility with the existing Discretionary Access Control mechanism on a system (IBM, p. 1., ll. 3-5).

Re. Claim 6, neither Fargher or Matsuzaki explicitly disclose a system wherein the job definition forms define group permission information, the system further comprising a request unit that, when a first group makes a request to use a job object of a second group, uses the group permission information to contact the second group for permission to use

the job object. However, IBM discloses a system wherein the job definition forms define group permission information, the system further comprising a request unit that, when a first group makes a request to use a job object of a second group, uses the group permission information to contact the second group for permission to use the job object (IBM, Full document). It would thus have been obvious to an ordinary practitioner of the art at the time of applicant's invention to combine the disclosures of Fargher and Matsuzaki with that of the IBM Disclosure Bulletin for the purpose designing an efficient worker task management system involving applicant's invention, motivated by the desire to provide a progress monitoring means of monitoring means capable of objectively monitoring the progress of a project.

Re. Claims 11-15, Fargher does not explicitly disclose

- a system wherein said job monitor holds the schedules of the jobs of the worker groups and exchanges the jobs among the worker groups;
- a system wherein said job monitor limits location, period, and each worker group to handle a job object, to thereby strictly maintain the security of the job object.
- a system wherein said job monitor indicates whether permission for use of the job object is to be granted upon approval of all or some of the members of the second worker group.
- a system wherein said job monitor adds a name of a worker group to which a job object belongs to a name of the job object, whereby plural job objects having the same name can be allocated to the worker group.
- a system wherein said job monitor allocates a representative name to a set of job objects and identically handles the job objects under the representative name.

However, Matsuzaki discloses

- a system wherein said job monitor holds the schedules of the jobs of the worker groups and exchanges the jobs among the worker groups;
- a system wherein said job monitor limits location, period, and each worker group to handle a job object, to thereby strictly maintain the security of the job object.

- a system wherein said job monitor indicates whether permission for use of the job object is to be granted upon approval of all or some of the members of the second worker group.
- a system wherein said job monitor adds a name of a worker group to which a job object belongs to a name of the job object, whereby plural job objects having the same name can be allocated to the worker group.

a system wherein said job monitor allocates a representative name to a set of job objects and identically handles the job objects under the representative name (Col. 5, line 35 - Col. 7, line 65).

It would have been obvious to an ordinary practitioner of the art at the time of applicant's invention to combine the disclosures of Fargher with those of Matsuzaki and the IBM article in order to identify a member who assumes responsibility for the resources when all conditions are confirmed, motivated by the desire to provide a progress monitoring means of monitoring means capable of objectively monitoring the progress of a project (Matsuzaki, Col. 2, ll. 1-3).

Re. Claim 22, neither Fargher nor Matsuzaki disclose a method comprising setting as one of the job-object conditions rights to use the job objects among the worker groups processing the job objects. However, IBM discloses a method comprising setting as one of the job-object conditions rights to use the job objects among the worker groups processing the job objects (IBM Disclosure Document). It would have been obvious to an ordinary practitioner of the art at the time of applicant's invention to combine the disclosures of Fargher with those of Matsuzaki in order to identify a member who assumes responsibility for the resources when all conditions are confirmed, motivated by the desire to provide a progress monitoring means of monitoring means capable of objectively monitoring the progress of a project.

4. **Claim 7 is rejected** under 35 U.S.C. 103(a) as being unpatentable over Fargher, Matsuzaki and IBM, and further in view of Persham (US Patent 5,260,986). The teachings of Fargher, Matsuzaki and IBM are discussed above.

Re. Claim 7, neither Fargher, Matsuzaki or IBM explicitly disclose a system wherein a request unit uses one of a telephone and a pager to request the second worker group for permission to use the job object. However, Persham discloses a system wherein a request unit uses one of a telephone and a pager to request the second worker group for permission to use the job object (Abstract). It would have been obvious to an ordinary practitioner of the art at the time of the invention to combine the disclosures of Fargher, Matsuzaki and IBM with the disclosures of Persham to achieve the most time efficient and rapid communications among workers in various work groups, motivated by the desire to make available a reliable and flexible notification service (Persham, Abstract, ll. 3-6).

5. **Claim 8 is rejected** under 35 U.S.C. 103(a) as being unpatentable over Fargher, Matsuzaki and IBM, and further in view of Hwang (US Patent 5,530,892
The teachings of Fargher, Matsuzaki and IBM are discussed above.
Re. Claim 8, neither Fargher, Matsuzaki or IBM explicitly disclose a system wherein a request unit uses one of a telephone, a notebook computer, an electronic notepad, and a workstation through one of a wide-area network, a personal computer communication network and a wireless network to request the second worker group for permission to use the job object. However, Hwang discloses a system wherein a request unit uses a workstation through a personal computer communication network (Abstract). It would have been obvious to an ordinary practitioner of the art at the time of the invention to combine the disclosures of Fargher, Matsuzaki and IBM with the disclosures of Hwang to achieve the most time efficient and rapid communications among workers in various work groups, motivated by the desire to make available an efficient team/work group oriented multiple PC system usable enterprise wide which is well organized and easy to manage (Hwang, Col. 2, ll. 32-33, 38, 44-45).

6. **Claim 9 is rejected** under 35 U.S.C. 103(a) as being unpatentable over Fargher, Matsuzaki and IBM, and further in view of D'Agosto (US Patent4,975,896).

The teachings of Fargher, Matsuzaki and IBM are discussed above.

Re. Claim 9, neither Fargher, Matsuzaki or IBM explicitly disclose a system further comprising a visual I/O unit and an audio I/O unit to request the second worker group for permission to use the job object. However, D'Agosto discloses a system further comprising a visual I/O unit and an audio unit to request the second worker group for permission to use the job object (Abstract). It would have been obvious to an ordinary practitioner of the art at the time of the invention to combine the disclosures of Fargher, Matsuzaki and IBM with the disclosures of D'Agosto to achieve the most time efficient and rapid communications among workers in various work groups, motivated by the desire for a relatively simple and low cost office communications network which results in more efficient and faster communications among work groups (D'Agosto, Col. 6, ll. 10-13).

7. **Claim 19 is rejected** under 35 U.S.C. 103(a) as being unpatentable over Fargher, Matsuzaki, IBM and D'Agosto, and further in view of Morishima, (US Patent 5,589,956).

The teachings of Fargher, Matsuzaki, IBM and D'Agosto are discussed above.

Re. Claim 19, neither Fargher, Matsuzaki or IBM explicitly disclose a system wherein:

- a visual I/O unit is a television camera; and
- an audio I/O unit is a microphone.

However, Morishima discloses a system wherein a visual I/O unit is a television camera (Col. 6, lines 44-45). Also, D'Agosto discloses a system wherein an audio I/O unit is a microphone (Col. 11, line 54).

It would have been obvious to an ordinary practitioner of the art at the time of the invention to combine the disclosures of Fargher, Matsuzaki and IBM with the disclosures of D'Agosto and Morishima to achieve the most time efficient and rapid communications among workers in various work groups, motivated by the desire to provide an image display element wit ha large field of view with high definition (Morishima, Col. 1, ll. 11-12).

8. Claims 10, 17, 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fargher, in view of Matsuzaki and IBM, and further in view of Waldren (US Patent 4,884,219), Zinsmeyer (US Patent 3,927,800) and Morishima (US Patent 5,589,956).

The teachings of Fargher, Matsuzaki and IBM are discussed above.

Re. Claims 10 and 20, neither Fargher, Matsuzaki nor IBM explicitly disclose a system comprising:

- an input device, attached to a selected member of the second worker group, for identifying and locating the member; and
- a system according to claim 10, wherein
  - o an input unit is one of a sensor and a transmitter; and
  - o a positioning unit is a television camera.

However, Waldren discloses a system wherein said input device is a virtual-reality device attached to the selected member, to identify the location of the member (Abstract). Zinsmeyer discloses a system where said input unit is one of a sensor and a transmitter. Morishima discloses a positioning unit generating an image of the selected member, said input unit and positioning unit being used to directly request the member of the second worker group for permission to use the job object, and a system where a positioning unit is a television camera. It would have been obvious to an ordinary practitioner of the art at the time of applicant's invention to combine the disclosures of Fargher, Matsuzaki and IBM with those of Waldren, Zinsmeyer and Morishima for efficiency and security purposes, motivated by the desire to provide an image display element wit ha large field of view with high definition (Morishima, Col. 1, ll. 11-12).

Re. Claim 17, neither Fargher, Matsuzaki or IBM explicitly disclose a system wherein an input device is a head-mount display worn by the selected member so that the member may give permission to use the job object.

However, Morishima discloses a system wherein an input device is a head-mount display worn by the selected member so that the member may give permission to use the job object (Col. 16, line 64 - Col. 17, line 41).

It would have been obvious to an ordinary practitioner of the art at the time of applicant's invention to combine the disclosure of Fargher, Matsuzaki and IBM with that of Morishima in order to equip work group members with head-mount image display technology to provide an efficient communications response capability to work group members of the organization for the purposes of efficient communication and increased security, motivated by the desire to provide an image display element wit ha large field of view with high definition (Morishima, Col. 1, ll. 11-12).

Re. Claim 18, neither Fargher nor Matsuzaki nor Zinsmeyr nor Morishima explicitly disclose a system wherein said input device is provided with at least one of a password and an ID, to prevent illegal access to said input device.

However, IBM discloses a system wherein said input device is provided with at least one of a password and an ID, to prevent illegal access to said input device (Text, page 1, lines 1-21). It would have been obvious to an ordinary practitioner of the art at the time of applicant's invention to combine the disclosures of Fargher, Matsuzaki, Zinsmeyer and Morishima with those of IBM for the simple reason of preventing illegal access to the device, motivated by the desire to make the communications secure.

9. **Claim 16 is rejected** under 35 U.S.C. 103(a) as being unpatentable over Fargher, in view of Matsuzaki, IBM, Waldren, Zinsmeyer and Morishima, and further in view of Weber (US Patent 4,995,071).

The teachings of Fargher, Matsuzaki, IBM Zinsmeyer and Morishima are discussed above.

Re. Claim 16, neither Fargher, Matsuzaki, IBM, Waldren, Zinsmeyer or Morishima explicitly disclose a system wherein said input device is a virtual-reality device attached to the selected member, to identify the location of the member.

However, Weber discloses a system wherein an input device is a positioning unit generating an image of the selected member, the input unit and positioning unit being used to directly request the member of the second worker group for permission to use the job object (Abstract). It would have been obvious to an ordinary practitioner of the art at the time of applicant's invention to combine the disclosures of Fargher,

Matsuzaki and IBM with those of Weber for efficiency and security purposes, motivated by a desire to have a simple audio and video communications system which requires no special additional equipment to operate (Weber, Col. 1, ll. 61-66).

Response to Arguments

10. Applicant's arguments filed July 26, 2007 have been fully considered but they are not persuasive.

Applicant essentially repeats through rewording the prior arguments of record which have been answered on the record. Applicant's amendments merely represent a rearrangement of previously rejected claim limitations in independent claims 1, 21 and 24. First, dependent claim 3, previously rejected with prior art from the primary reference, Fargher, has been incorporated into claims 1, 21 and 24. Second, the non functional descriptive material in the first limitation element of claims 1, 21 and 24 has been expanded. Otherwise, the propriety of the prima facie case of obviousness has again been argued. Applicant again questions the judgements made and the rationale presented by the examiner in the prima facie case of obviousness rejections without presenting adequate evidence and rationale as required by the MPEP. In so doing, Applicant also misrepresents to recent KSR ruling which emphasized the rulings in In re Khan, and also added that common sense is also a legitimate factor in the prosecution of the claims in a patent application.

An excerpt of the Board of Patent Appeals and Interferences presentation of key elements in the KSR decision is presented for Applicant's convenience as follows:

BPAI, *Ex parte* CATAN, Appeal 2007-0820, Decided: July 3, 2007

PRINCIPLES OF LAW

"Section 103 forbids issuance of a patent when 'the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.'" *KSR Int'l Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1734, 82 USPQ2d 1385, 1391 (2007). The question of obviousness is resolved on the basis of underlying factual

determinations including (1) the scope and content of the prior art, (2) any differences between the claimed subject matter and the prior art, (3) the level of skill in the art. *Graham v. John Deere Co.*, 383 U.S. 1, 17-18, 148 USPQ 459, 467 (1966). *See also KSR*, 127 S.Ct. at 1734, 82 USPQ2d at 1391 ("While the sequence of these questions might be reordered in any particular case, the [*Graham*] factors continue to define the inquiry that controls.") The Court in *Graham* further noted that evidence of secondary considerations, such as commercial success, long felt but unsolved needs, failure of others, etc., "might be utilized to give light to the circumstances surrounding the origin of the subject matter sought to be patented." 383 U.S. at 18, 148 USPQ at 467.

In *KSR*, the Supreme Court emphasized "the need for caution in granting a patent based on the combination of elements found in the prior art," *id.* at 1739, 82 USPQ2d at 1395, and discussed circumstances in which

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a patent might be determined to be obvious without an explicit application of the teaching, suggestion, motivation test.

In particular, the Supreme Court emphasized that "the principles laid down in *Graham* reaffirmed the 'functional approach' of *Hotchkiss*, 11 How. 248." *KSR*, 127 S.Ct. at 1739, 82 USPQ2d at 1395 (citing *Graham v. John Deere Co.*, 383 U.S. 1, 12, 148 USPQ 459, 464 (1966) (emphasis added)), and reaffirmed principles based on its precedent that "[t]he combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results." *Id.* The Court explained:

> When a work is available in one field of endeavor, design incentives and other market forces can prompt variations of it, either in the same field or a different one. If a person of ordinary skill can implement a predictable variation, §103 likely bars its patentability. For the same reason, if a technique has been used to improve one device, and a person of ordinary skill in the art would recognize that it would improve similar devices in the same way, using the technique is obvious unless its actual application is beyond his or her skill.

Id. at 1740, 82 USPQ2d at 1396. The operative question in this "functional approach" is thus "whether the improvement is more than the predictable use of prior art elements according to their established functions." *Id.*

The Supreme Court made clear that "[f]ollowing these principles may be more difficult in other cases than it is here because the claimed subject matter may involve more than the simple substitution of one known element for another or the mere application of a known technique to a piece of prior art ready for the improvement." *Id.* The Court explained, "[o]ften, it will be necessary for a court to look to interrelated teachings of multiple patents; the effects of demands known to the design community or present in the marketplace; and the background knowledge possessed by a person having ordinary skill in the art, all in order to determine whether there was an apparent reason to combine the known elements in the fashion claimed by the patent at issue." *Id.* at 1740-41, 82 USPQ2d at 1396. The Court noted that "[t]o facilitate review, this analysis should be made explicit. *Id.* (citing *In re Kahn,* 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006)) ("[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness"). However, "the analysis need not seek out precise teachings directed to the specific subject matter of the challenged claim, for a court can take account of the inferences and creative steps that a person of ordinary skill in the art would employ." *Id.* at 1741, 82 USPQ2d at 1396.

In the instant case, the examiner concludes that a proper prima facie case of obviousness rejection has been presented and is presented above for Applicant's currently amended claims.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Siegfried Chencinski whose telephone number is (571)272-6792. The Examiner can normally be reached Monday through Friday, 9am to 6pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Alexander Kalinowski, can be reached on (571) 272-6771.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks, Washington D.C. 20231

or (571)*273-8300* [Official communications; including After Final communications labeled "Box AF"]

(571) 273-6792 [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to the address found on the above USPTO web site in Alexandria, VA.

SEC

November 12, 2007

NARAYANSWAMY SUBRAMANIAN
PRIMARY EXAMINER